

FILED

AUG 14 2019

Clerk, U.S. District Court
District Of Montana
Great Falls

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRANDON MICHAEL JACKSON,

Defendant.

CR 13-91-GF-BMM-JTJ

**FINDINGS AND
RECOMMENDATIONS**

I. Synopsis

Defendant Brandon Michael Jackson (Jackson) has been accused of violating the conditions of his supervised release. Jackson admitted all of the alleged violations. Jackson's supervised release should be revoked. Jackson should be placed in custody for 9 months, with no supervised release to follow.

II. Status

Jackson pleaded guilty to Burglary on December 19, 2013. (Doc. 32). The Court sentenced Jackson to 24 months of custody, followed by 3 years of supervised release. (Doc. 32). Jackson's current term of supervised release began on April 10, 2019. (Doc. 90 at 2).

Petition

The United States Probation Office filed an Amended Petition requesting that the Court revoke Jackson's supervised release on May 23, 2019. (Doc. 90). The Amended Petition alleged that Jackson had violated the conditions of his supervised release by: 1) using methamphetamine; 2) by committing another crime; 3) by consuming alcohol; 4) by failing to report for substance abuse testing; 5) by using cocaine; 6) by failing to report for substance abuse treatment; and 7) by possessing methamphetamine.

Initial appearance

Jackson appeared before the undersigned for his initial appearance on June 5, 2019. (Doc. 92). Jackson was represented by counsel. Jackson stated that he had read the petition and that he understood the allegations. Jackson waived his right to a preliminary hearing. The parties consented to proceed with the revocation hearing before the undersigned.

Revocation hearing

The Court conducted a revocation hearing on August 13, 2019. Jackson admitted that he had violated the conditions of his supervised release: 1) using methamphetamine; 2) by committing another crime; 3) by consuming alcohol; 4) by failing to report for substance abuse testing; 5) by using cocaine; 6) by

failing to report for substance abuse treatment; and 7) by possessing methamphetamine. The violations are serious and warrant revocation of Jackson's supervised release.

Jackson's violations are Grade C violations. Jackson's criminal history category is I. Jackson's underlying offense is a Class C felony. Jackson could be incarcerated for up to 24 months. He could be ordered to remain on supervised release for up to 20 months, less any custody time imposed. The United States Sentencing Guidelines call for a term of custody of 3 to 9 months.

III. Analysis

Jackson's supervised release should be revoked. Jackson should be incarcerated for 9 months, with no supervised release to follow. This sentence is sufficient but not greater than necessary.

IV. Conclusion

The Court informed Jackson that the above sentence would be recommended to Judge Morris. The Court also informed Jackson of his right to object to these Findings and Recommendations within 14 days of their issuance. The Court explained to Jackson that Judge Morris would consider a timely objection before making a final determination on whether to revoke his supervised release and what, if any, sanction to impose. Jackson stated that he wished to

waive his right to object to these Findings and Recommendations, and that he wished to waive his right to allocute before a United States district court judge.

The Court **FINDS:**

That Brandon Michael Jackson violated the conditions of his supervised release by using methamphetamine, by committing another crime, by consuming alcohol, by failing to report for substance abuse testing, by using cocaine, by failing to report for substance abuse treatment, and by possessing methamphetamine.

The Court **RECOMMENDS:**

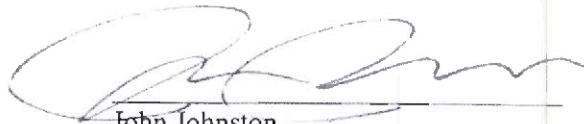
That the District Court revoke Jackson's supervised release and commit him to the custody of the United States Bureau of Prisons for 9 months, with no supervised release to follow.

**NOTICE OF RIGHT TO OBJECT TO FINDINGS AND
RECOMMENDATIONS AND CONSEQUENCES OF FAILURE TO
OBJECT**

The parties may serve and file written objections to the Findings and Recommendations within 14 days of their entry, as indicated on the Notice of Electronic Filing. 28 U.S.C. § 636(b)(1). A United States district court judge will make a de novo determination regarding any portion of the Findings and Recommendations to which objection is made. The district court judge may accept, reject, or modify, in whole or in part, the Findings and Recommendations. Failure to timely file written objections may bar a de novo determination by the district court judge, and may waive the right to appear and allocute before a

district court judge.

DATED this 14th day of August, 2019.

A handwritten signature in black ink, appearing to read 'John Johnston', written over a horizontal line.

John Johnston
United States Magistrate Judge